

## **FISCAL NOTE**

### **HB 175 - SB 1177**

March 18, 2007

**SUMMARY OF BILL:** Includes statutory rape by an authority figure in the “violent sexual offenses” for the purposes of the sex offender registry. Extends the statute of limitations for the prosecution of aggravated child rape and statutory rape by an authority figure.

#### **ESTIMATED FISCAL IMPACT:**

##### **Increase State Expenditures – \$63,700 / Incarceration\***

##### Assumptions:

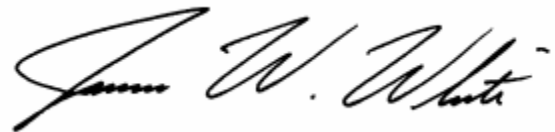
- Current definition of statutory rape involves a victim who is at least 15 but less than 18 years of age and the defendant is more than five years older than the victim. The offense becomes aggravated statutory rape if the defendant is at least 10 years older than the victim.
- Under existing statute, statutory rape by an authority figure is a Class C felony and persons convicted of this offense are not eligible for probation or judicial diversion.
- The offense of statutory rape by an authority figure was enacted in 2006. Since there are not sufficient data on this offense, the Department of Correction (DOC) is utilizing data regarding sexual battery and sexual battery by an authority figure.
- In FY05, there were 54 admissions to DOC for sexual battery offenses and 14 for sexual battery by an authority figure offenses. This estimate assumes the same percentage (20.6) would be true for statutory rape. In FY06, there were 122 persons admitted for statutory rape.
- DOC assumes that increasing the statute of limitations will increase convictions by five percent ( $122 \text{ admissions} \times 20.6\% \times 5\% = 1.26$ ). Estimate also assumes there will be one additional conviction every five years for aggravated child rape.
- One person will be convicted of the Class C felony of statutory rape by an authority figure and will serve 0.9 years (328.73 days). According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate at 0.9 years is \$19,776.40 ( $\$60.16 \times 328.73 \text{ days}$ ).

- One additional person every five years will be convicted of aggravated child rape with 50 years time served. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one additional offender every five years. The cost per inmate in the tenth year is \$219,734.40 (\$60.16 x 3652.50 days). The annualized time served per conviction is 730.50 days (0.20 annual number of convictions x 3652.50 days). The annualized cost per conviction is \$43,948.88 (0.20 x 3652.20 days x \$60.16).
- No significant incarceration cost increase will occur due to population growth in this period.
- The Board of Probation and Parole estimates a minimal additional number of offenders will be required to register as a result of this bill. The cost of processing additional registrants will be not significant.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director